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January 29, 2013

The Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
500 Pearl Street, Room 660
New York, New York 10007

MEMO ENDORSED

Re: Themis Capital v. Democratic Republic of Congo, Civ. No. 09-cv-01652 (PAE) (S.D.N.Y.)

Dear Judge Engelmayer:

On behalf of the Defendants, Democratic Republic of the Congo (the "DRC") and the Central Bank of the Democratic Republic of the Congo ("Central Bank"), we write in relation to the above-referenced matter to inform the Court of our firm's recent engagement as defense counsel and to request a brief and immediate stay of the proceedings, including a third-party deposition currently scheduled for tomorrow morning. The purpose of this request is to allow our firm time to meet with our clients, to obtain and review the complete record in this case and to take any other steps necessary to ensure that we may effectively and efficiently represent the DRC and Central Bank in this litigation from this point forward.

The DRC and Central Bank have previously been represented in this matter by Emery Mukendi Wafwana & Associates, P.C. ("EMW"). On December 12, 2012, however, EMW moved to withdraw as defense counsel. By Order dated December 19, 2012, Your Honor stayed that motion to allow the Defendants sufficient time to retain substitute counsel. Following that Order, the DRC and Central Bank engaged DLA Piper LLP (US) as its counsel on a going forward basis. It is the intent and understanding of the DRC and Central Bank that our firm will immediately replace EMW as their counsel in this case.

Accordingly, on Friday, January 25, 2013, DLA Piper entered its appearance in this matter and filed motions for the *pro hac vice* admission of several of our attorneys. After entering our appearance, we learned for the first time on Friday evening that Plaintiffs' counsel had scheduled a third party deposition for the morning of Wednesday, January 30. Yesterday, we reached out to Plaintiffs' counsel and requested that the deposition be rescheduled in order to allow our firm sufficient time to get up to speed with the facts and record of this case so that we could provide meaningful representation to our clients. That request was denied. We have also attempted to reach Plaintiffs' counsel by phone to discuss the instant request, however we have been unable to connect with them up until this time. While Plaintiffs' counsel indicated he would be available later this afternoon, because this matter relates to a deposition scheduled for tomorrow morning, we did not want to delay any longer before raising this issue with the Court.

In light of the foregoing, we write to request Court intervention. Specifically, we request that all proceedings be stayed for 45 days in order to allow for the transition and substitution of defense counsel. Among other things, we will need to meet with various DRC and Central Bank representatives and become familiar with the facts and fact investigation that has been performed to date. We have begun that process and, in fact, are meeting with certain client representatives today, but additional meetings and communications will be necessary. Further, while we have made every effort to become familiar with the public docket in this case, that docket makes clear that there is substantial information, including



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discovery requests, document productions, deposition transcripts, communications between counsel, and communications with the client to which we have not yet had access, but which we will need to review in order to effectively represent our clients going forward. To that end, we have requested that EMW promptly provide us with their files regarding this matter.

DLA Piper has every intention of efficiently and expeditiously moving this case to resolution. We cannot, however, effectively represent the DRC or Central Bank without taking the time to coordinate with our clients and obtain a complete understanding of the record in this case and what efforts EMW has undertaken on their behalf. For these reasons, we respectfully request that the Court order a brief stay.

We appreciate the Court's consideration of this request. Should Your Honor have any questions regarding this matter, we are available to discuss at the Court's convenience.

Very truly yours,

DLA Piper LLP (US)

A handwritten signature in black ink, appearing to read 'Sara Z. Moghadam'.

Sara Z. Moghadam *
* Pro hac vice application pending

A handwritten signature in black ink, appearing to read 'Nika Aldrich'.

Nika Aldrich

cc. Dennis H. Hranitzky (via email)
Amanda F. Parsels (via email)
Charles R. Jacob, III (via email)
Debra D. O'Gorman (via email)
Joel M. Miller (via email)
Nady Mayifuila (via email)

In light of defendants' change of counsel, the Court agrees that tomorrow's deposition should not go forward. A call is scheduled for 2³⁰ p.m. on tomorrow, Wednesday, January 30, 2013, to discuss the case schedule going forward. Plaintiff's counsel is directed to call Chambers with all parties on the line. The Court intends that this case move forward expeditiously.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Paul A. Engelmayer'.

HON. PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE

EAST54874016.3

1/29/13,
7¹⁵ p.m.